

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 26 and 28-35) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention, as now claimed, provides a water conditioner, which includes a pipe and a substantially flat plate extending along a substantial portion of a length of the pipe. Further, the plate is to have a width that is substantially equal to an inner diameter of the pipe along an entirety of the length of the plate and with the plate being located within the pipe. A plurality of cylindrical posts passing through, and extends, at a normal angle from each side of the plate to be adjacent an inner wall of the pipe for causing water flowing through the pipe to adopt a torturous path through the pipe, thereby providing a number of discreet paths through the water conditioner for an improved result.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient water conditioner, which includes a substantially flat plate extending along a substantial portion of a length of the pipe and having a width that is substantially equal to an inner diameter of the pipe along an entirety of the length of the plate when located within the pipe, and which plate further includes a plurality of cylindrical posts passing through, and extending, at a normal angle from each side of the plate to be adjacent an inner wall of the pipe for ensuring a torturous path of flow of water through the pipe, either disclosed or suggested.

By the present amendment, Applicant has amended independent Claim 26 (and all remaining claims via dependency) to specify that the plurality of posts of the claimed invention are --cylindrical--, as illustrated in the drawing figures of Applicant's originally filed *Specification*. Applicant has further amended independent Claim 26 to incorporate the subject matter of prior dependent Claim 27 to recite that the posts of the invention are --passing through--, and extend, at a normal angle from each side of the plate of the claimed invention. (Dependent Claim 27 has been appropriately canceled.)

The foregoing claim amendments, as will be explained below, are submitted to readily distinguish the presently claimed invention over the applied prior art.

Accompanying the present *Amendment in Response to the Final Office Action*, Applicant is filing a *Request for Continued Examination* and formal *Petition for a Three-Month Extension of Time* for response, and remitting all required fees. Accordingly, the "finality" of the last Office Action should be withdrawn and the foregoing amendments presented herein entered, and considered on their merits, as a matter of right.

Turning now, in detail, to an analysis of the Examiner's prior art rejections, in the latest Office Action the Examiner has initially rejected the subject matter of Claims 26-30 and 32 as being anticipated, pursuant to 35 U.S.C. §102(b), by Bergmann, U.S. Patent No. 4,352,378. It is the Examiner contention that Bergmann discloses Applicant's claimed fluid conditioner, in that Bergmann is contended to teach a pipe (1), a plate (7) located in the pipe and, having on at least one side of the plate, means for causing a water flow to adopt a torturous path through the pipe. According to the Examiner, Bergmann

further shows that posts (6) can also be considered ribs and extend from the sides and tops of the plate therein, and that the posts are adjacent an inner surface of the pipe, as well as being in rows that are parallel to a longitudinal axis of the plate. The posts are also shown at a normal angle with the plates and posts having the same height and with the posts passing through the plate. The Examiner has further contended that Bergmann teaches that the plate is seen to run the length of the pipe and is substantially equal to the inner diameter, with the posts being adjacent the inner wall of the plate, thereby anticipating that which is claimed by Applicant in the claims enumerated in the anticipation rejection.

In reply to the Examiner's anticipation rejection applying Bergmann, Applicant's independent Claim 26, as now amended, recites that the claimed water conditioner includes a plate having a width that is substantially equal to the inner diameter of the pipe with "cylindrical" posts extending at a normal angle from each side of the plate. Bergmann, by sharp contrast, discloses metal bands, or plates – that are clearly not cylindrical – having teeth machined therefrom. Fig. 2 of Bergmann, for example, shows two such metal bands, while other drawing figures show a greater number of bands. If the central portion of each of the bands in Bergmann is considered analogous to the plate of Applicant's invention, then it is certainly not of a width that is substantially equal to the inner diameter of the pipe and, if the plate is a whole member, then Applicant respectfully submits that it still cannot be fairly said to have such a width, as there are at least two members which are offset from the center of the pipe.

In the first case, the teeth shown in Bergmann are not normal to the plate, but are instead in the plane of the plate and, thus, the construction of Bergmann therefore differs in at least two ways from that now being claimed by Applicant: (a) the width of the plate and (b) the location of the plate.

In the second case, there are still two differences: (a) the plates are still not of a width substantially equal to the internal diameter of the pipe; and (b) there are still no posts extending normally from the plate, in addition to not being cylindrical, as now claimed. The teeth of adjacent plates may, in some embodiments, be seen in Bergmann to extend normally from another plate, but not the plate of which the teeth are a part.

In light of the foregoing, it is respectfully contended that the 35 U.S.C. §102(b) anticipation rejection applying Bergman has been overcome and should now be appropriately withdrawn.

Separately, the Examiner has further rejected independent Claim 26 (as well as the subject matter of prior dependent Claim 27, which is now recited as part of Claim 26), as being anticipated by Neveux, U.S. Patent No. 4,106,558, on the contention that Neveux discloses a flow conditioner comprising a pipe (12), a substantially flat plate (14) extending along a substantial portion of a length of the pipe, with the width substantially equal to an inner diameter of the pipe (as illustrated in Fig. 1), a plurality of posts (38) extending at a normal angle to the side of the plate, and extending from both sides of the plate to be adjacent the inner wall of the pipe, for causing water flowing through the pipe

to adopt a torturous path through the pipe. The Examiner has further argued that the “posts” in Nevuex are bent from the plate and pass through a hole in the plate and may therefore be viewed as “passing through” the plate with the posts being arranged in rows on, or parallel to, the longitudinal axis of the plate, thereby anticipating the claimed cited in the anticipation rejection applying Neveux.

In reply to the Examiner’s anticipation rejection applying Neveux, the applied citation discloses a deflector for a heat exchanger tube that includes “tongs,” as denoted by reference numeral “38,” which the Examiner has analogized to the “posts” of the presently claimed invention. The tongs, or posts, of Neveux are neither “cylindrical,” as now recited in Applicant’s claims, and, as best shown in the cross-sectional view of Fig. 4 of Neveux, are not “passing through” the plate, as Applicant now claims, but are shown in the applied reference as being bent at essentially right angles to a surface of the plate.

Consequently, Neveux cannot reasonably be understood to anticipate Applicant’s claims, as now amended, and Applicant therefore respectfully requests that the 35 U.S.C. §102(b) anticipation rejection of the “final” Office Action applying Neveux has now been overcome and should be withdrawn.

The Examiner has separately rejected dependent Claims 29-35 as being obvious, pursuant to 35 U.S.C. §103(a), over either Bergmann or Neveux, as the primarily-applied reference, and taken in view of secondarily-applied prior art. Applicant respectfully submits that dependent Claims 29-35 are, likewise, patentable over the prior art for the reasons presented for the allowability of independent Claim 26 and, consequently, the

subsidiary obviousness rejections of record should, likewise, be withdrawn at this time.

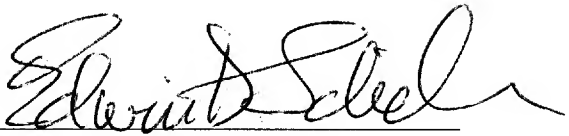
Concerning, finally, the remaining references cited by the Examiner, but not applied in any rejection of Applicant's claims, such additional references have been carefully considered, but are not deemed to adversely affect the patentability of the present invention, as now claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 26 and 28-35) recite a novel and efficient water conditioner, which includes a substantially flat plate extending along a substantial portion of a length of the pipe and having a width that is substantially equal to an inner diameter of the pipe along an entirety of the length of the plate when located within the pipe, and which plate further includes a plurality of cylindrical posts passing through, and extending, at a normal angle from each side of the plate to be adjacent an inner wall of the pipe for ensuring a torturous path of flow of water through the pipe, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the

outstanding rejections and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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- Enc.: 1. Petition for Three-Month Extension of Time for Response;
2. *Request for Continued Examination*, pursuant to 37 C.F.R. §1.114; and,
3. EFT for \$980.00 (*Request for Continued Examination* + Three-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.